

[CHAPTER 287]

AN ACT

October 27, 1943

[H. R. 3223]

[Public Law 176]

To provide for reimbursement of officers, enlisted men, and others, in the naval service of the United States for property lost, damaged, or destroyed in such service.

Naval service.
Reimbursement for
personal property
losses, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy and, subject to appeal to the Secretary of the Navy, such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to consider, and to ascertain, adjust, determine, and pay any claim filed under oath of the commissioned, appointed, enrolled, and enlisted personnel of the Navy and Marine Corps, and of the Coast Guard when operating as a part of the Navy, and of civilian employees of the Naval Establishment, for loss, damage, or destruction of their private personal property occurring on or after December 7, 1941, when such loss, damage, or destruction is not due to fault or negligence on the part of the claimant and has occurred or shall hereafter occur under the following circumstances:

Circumstances.
Marine or aircraft
disaster.

First. When the loss, damage, or destruction is due to operations of war, shipwreck, or other marine disaster, or the wreck of an aircraft or other disaster thereto: *Provided*, That the term "marine disaster" as used herein shall include an accident occurring on board a vessel.

Saving of life or
U. S. property.

Second. When the loss, damage, or destruction is in consequence of the serviceman or employee having given his attention to the saving of the life of another, or of property belonging to the United States.

Shipment under or-
ders.

Third. When such property is lost, damaged, or destroyed by reason of being shipped on board an unseaworthy vessel by order of an officer authorized to give such order or direct such shipment; or is lost, damaged, or destroyed, whether or not due to negligence on the part of Government personnel, while in shipment pursuant to orders issued by competent authority, but where the property was transported by a common carrier, the reimbursement shall be limited to the extent of such loss, damage, or destruction over and above the amount recoverable from such carrier.

Immediate and ur-
gent distress.

Fourth. When such property is lost, damaged, or destroyed by reason of being furnished at the direction of competent authority to another person under conditions of immediate and urgent distress.

Property items re-
imbursable.

Reimbursement may be made in all such cases for loss, damage, or destruction of such articles as are required to be possessed and used by officers, enlisted men, and others in connection with their service or employment, and such additional items of personal property, including money or currency, as the Secretary of the Navy shall determine to have been reasonably and properly in the place when they were lost, damaged, or destroyed, in consequence of the service or employment in which the serviceman or employee was engaged: *Provided*, That reimbursement may be made for loss of money or currency only when such money or currency has been deposited for safe keeping as provided by regulations promulgated by the Secretary of the Navy or as provided by orders of the commanding officer.

Money or currency.

Replacement or
payment.

SEC. 2. The Secretary of the Navy is authorized to reimburse the claimant in kind out of available Government property, or to pay the amount determined to be due on claims under this Act, out of any appropriation available for the purpose.

Separation not a bar
to settlement.

SEC. 3. Separation from the naval service or establishment shall not bar the authority to consider, ascertain, adjust, determine, and pay any claim otherwise falling within the provisions of this Act which

accrued prior to such separation. In the event of the death of any person designated in section 1 hereof, whether occurring prior or subsequent to the time any loss, destruction, or damage occurs, reimbursement may be made to any dependent relative, as determined by the Secretary of the Navy.

SEC. 4. Existing claims shall be presented within two years from the date of this Act and all such claims hereafter arising shall be presented within two years from the occurrence of the loss, destruction, or damage, except that any person missing who is not willfully absent, or any person who is a prisoner in the hands of the enemy, or who is interned in a neutral country, shall in addition be allowed one year from the time of return to the jurisdiction of the United States in which to file such claim.

Time limitation for presenting claims.

SEC. 5. The provisions of this Act shall apply to the personnel of the Coast Guard, military and civil, when the Coast Guard is not operating as a part of the Navy. In such case the Secretary of the Treasury shall have and exercise as to claims of the personnel of the Coast Guard the authority conferred by this Act upon the Secretary of the Navy, and payment or reimbursement in kind of such claims shall be made from appropriations available to the Treasury Department, which appropriations are hereby authorized.

Applicability to Coast Guard.

SEC. 6. The provisions of this Act shall apply to the personnel of the Coast and Geodetic Survey and Public Health Service when serving with the Navy.

Coast and Geodetic Survey; Public Health Service.

SEC. 7. Claims arising in the manner indicated in this Act and which have been settled under the terms of a previously existing law shall be regarded as finally determined and no other or further right of recovery under the provisions hereof shall accrue to persons whose claims have been so settled.

Settlements under prior laws.

SEC. 8. The appropriations available to the Navy Department and the Coast Guard for the payment of claims under the provisions of the Act of October 6, 1917 (40 Stat. 389), as amended, are hereby made available for the payment or reimbursement of claims determined under the provisions of this Act.

Funds available.

SEC. 9. The said Act approved October 6, 1917 (40 Stat. 389), entitled "An Act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service", as amended, is hereby repealed.

34 U. S. C. § 982; 14 U. S. C. § 40.

Repeal.
34 U. S. C. § 982; Supp. II, § 981; 14 U. S. C. § 40.

Approved October 27, 1943.

[CHAPTER 289]

AN ACT

To amend the Act of May 27, 1908, as amended, authorizing settlement of accounts of deceased officers and enlisted men of the Navy and Marine Corps.

October 28, 1943
[H. R. 3226]

[Public Law 177]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved May 27, 1908 (35 Stat. 317), as amended (52 Stat. 352; 34 U. S. C. 941), is hereby further amended by striking out the words "five hundred" appearing in line 35, page 373, Thirty-fifth Statutes at Large, and inserting in lieu thereof the words "one thousand", and by changing the colon after the words "stirpes" in line 47 to a period and inserting "Where the amount due the decedent's estate is \$1,000 or more and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow \$1,000 of the amount due to the estate to the widow or legal heirs in the order of precedence hereinabove set forth".

Navy and Marine Corps.
Settlement of accounts of deceased personnel.

Approved October 28, 1943.